REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are presently pending in this case. Claims 1, 4, and 7 are amended by the present amendment. As amended Claims 1, 4, and 7 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claims 1-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Taketsugu (U.S. Patent Application Publication No. 2001/0050909) in view of Okumura (U.S. Patent Application Publication No. 20030003942).

Applicants and Applicants' representatives thank Examiner Young for the courtesy of the interview granted to Applicants' representatives on April 18, 2008. During the interview, differences between the claims and the cited references were discussed, as well as proposed amendments to the independent claims. Examiner Young agreed to reconsider the rejection of record after formal submission of the present amendment.

With regard to the rejection of Claim 1 as unpatentable over Taketsugu in view of Okumura, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

> ***a measuring unit configured to measure channel qualities of an incoming control channel and an incoming user channel separated from a received signal***;
> an updating unit configured to update target circuit qualities for the control channel and the user channel, based on results of measurement of the channel qualities by the measuring unit;
> a communicating unit configured to communicate, in a predetermined period, the updated target circuit qualities for the control channel and the user channel; and
> a target circuit quality determining unit configured to determine a target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel communicated from the communicating unit, so

[1]See, e.g., the specification at page 8, lines 7-10 and page 9, lines 16-25.

> that all of the control channel and the user channel satisfy a required channel quality; wherein,
>
> ***when the channel quality of the control channel does not satisfy the required channel quality, the communicating unit is configured to communicate at least the target circuit quality for the control channel to the target circuit quality determining unit***; and
>
> the target circuit quality determining unit is configured to determine the target circuit quality for the received signal, based on the communicated target circuit quality for the control channel.

The outstanding Office Action cited transmission by radio base station 2 of Taketsugu as "a control channel" and transmission by mobile terminal 1 of Taketsugu as "a user channel."[2] However, amended Claim 1 recites that ***both*** the control channel and the user channel are ***incoming*** channels separated from a received signal. As Taketsugu at most describes a single channel sent by the mobile terminal 1 and received by radio base station 2, it is respectfully submitted that Taketsugu does not teach or suggest "a measuring unit configured to measure channel qualities of ***an incoming control channel and an incoming user channel separated from a received signal***" as recited in amended Claim 1. Moreover, it is respectfully submitted that Okumura does not teach or suggest this feature either.

Further, the outstanding Office Action cited radio base station 2 of Taketsugu as "a communicating unit" as recited in original Claim 1.[3] However, the cited portion of Taketsugu only describes that a transmission capacity in a wired line is determined based on a practical transmission speed of data transmission in a wireless line.[4] Thus, Taketsugu describes a calculation of a practical transmission speed, which is a division of an amount of data by an amount of time. This division of one number by another is ***not*** a description of a comparison of a measured channel quality to a required channel quality, much less a description of a communicating unit configured to communicate at least the target circuit

[2]See the outstanding Office Action at page 2, lines 15-20.
[3]See the outstanding Office Action at page 4, lines 21-23.
[4]See Taketsugu, paragraph 58.

quality for the control channel to the target circuit quality determining unit when the channel quality of the control channel does not satisfy the required channel quality, as recited in amended Claim 1. Accordingly, it is respectfully submitted that Taketsugu does not teach or suggest "a communicating unit" as defined in amended Claim 1. Moreover, it is respectfully submitted that Okumura does not teach or suggest this feature either.

Consequently, as the proposed combination of Taketsugu and Okumura does not teach or suggest all the elements of amended Claim 1, Claim 1 (and Claims 2 and 3 dependent therefrom) is patentable over Taketsugu in view of Okumura.

Amended Claim 4 recites in part:

> measuring channel qualities of an incoming control channel and an incoming user channel separated from a received signal;
>
> ...
>
> communicating at least the target circuit quality for the control channel when the channel quality of the control channel does not satisfy the required channel quality.

As noted above, Taketsugu does not teach or suggest separating an incoming control channel from an incoming user channel, much less measuring channel qualities of an incoming control channel and an incoming user channel separated from a received signal, as recited in amended Claim 4. Further, Taketsugu only describes a calculation of a practical transmission speed, not a comparison of a measured channel quality with a required channel quality. Thus, Taketsugu does not teach or suggest communicating at least the target circuit quality for the control channel when the channel quality of the control channel does not satisfy the required channel quality, as recited in amended Claim 4. Moreover, it is respectfully submitted that Okumura does not teach or suggest either of these features. Consequently, amended Claim 4 (and Claims 5 and 6 dependent therefrom) is also patentable over Taketsugu in view of Okumura.

Amended Claim 7 recites in part:

> means for measuring channel qualities of an incoming control channel and an incoming user channel separated from a received signal;
>
> ...
>
> means for communicating at least the target circuit quality for the control channel when the channel quality of the control channel does not satisfy the required channel quality.

As noted above, Taketsugu does not teach or suggest separating an incoming control channel from an incoming user channel, much less means for measuring channel qualities of an incoming control channel and an incoming user channel separated from a received signal, as recited in amended Claim 7. Further, Taketsugu only describes a calculation of a practical transmission speed, not a comparison of a measured channel quality with a required channel quality. Thus, Taketsugu does not teach or suggest means for communicating at least the target circuit quality for the control channel when the channel quality of the control channel does not satisfy the required channel quality, as recited in amended Claim 7. Moreover, it is respectfully submitted that Okumura does not teach or suggest either of these features. Consequently, amended Claim 7 (and Claims 8 and 9 dependent therefrom) is also patentable over Taketsugu in view of Okumura.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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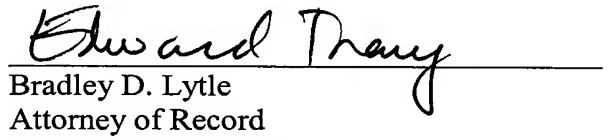

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